OLIFF & BERRIDGE, PLC
ATTORNEYS AT LAW

277 SOUTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314

TELEPHONE: (703) 836-6400
FACSIMILE: (703) 836-2787
E-MAIL: O&B@OLIFF.COM
WWW.OLIFF.COM

January 22, 2004

U.S. PATENT AND TRADEMARK OFFICE
FACSIMILE TRANSMISSION COVER SHEET

To:	In re the Application of Masaaki IMAI Application No.: 09/277,373 Filed: March 29, 1999 For: DEVICE FOR REWRITING SOFTWARE PROGRAMS IN PERIPHERAL DEVICES CONNECTED TO A NETWORK	**U.S. PATENT AND TRADEMARK OFFICE** Group Art Unit: 2122 Docket No.: 103014

Examiner: C. KENDALL Facsimile: (703) 746-5533

From: KEVIN M. McKINLEY

Prepared By: jfb Number of Pages Sent (Including cover sheet): 2

Comments:

Please see the attachment regarding the above-identified application.

Sent by:

Examiner Kendall, I apologize for not getting this over to you earlier. Below is a proposed discussion during the interview this afternoon at 2PM.

The applied art does not teach a first rewrite unit that when an old/new judgment unit judges that the same type of software program stored in the another peripheral device is older than the software stored in the memory, rewrites the same type of software program stored in the another peripheral into the software program stored in the memory and a second rewrite unit that, when the old/new judgment unit judges that the same type of software program stored in the another peripheral device is newer than the software stored in the memory, rewrites the software program stored in the memory into the same type of software program stored in the another peripheral device, as claimed in claim 1 and similarly claimed in claims 6, 12 and 17.

Instead, Otto discloses revision of information stored in the various level nodes in which the information stored in the upper level node is sent to the lower level node for revision or update purposes. However, the information stored in the lower level node is not sent to the upper level node for revision or update purposes. Particularly, Otto discloses a system for distributing updates to nodes of a hierarchical communications network that cascade the updates through the network as a function of its hierarchy (col. 1, lines 16-20). In Otto a first node functions as a server for the second node and the second node functions as a server for the third node and in the hierarchical structure, particular levels have control or precedence over other levels. In particular, in Otto, the status reporting circuitry associated with the second node collects and transmits the current status of the second node to first node (in the hierarchical/tree-based or flat network). The information revising circuitry associated with the first node then receives the current stats of the second nodes and determines whether a revision of the second node information is required. If revision of the second node is required, the first node transmits the revision to the second node (col. 2, lines 24-44).